

DOCKET NO.: M01059.70000.US

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fred G. Benkley, III  
Serial No: 10/005,643  
Confirmation. No.: 8242  
Filed: December 5, 2001  
For: SWIPED APERTURE CAPACITIVE FINGERPRINT SENSING  
SYSTEMS AND METHODS  
  
Examiner: Not yet assigned  
Art Unit: 2621

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 17 day of October, 2002.

William R. McClellan

William R. McClellan, Reg. No. : 29,409

Commissioner For Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith are the following documents:

- ☒ Letter Regarding Response to Notice to File Missing Parts
- ☒ Copies of documents mailed to the PTO on March 20, 2002
- ☒ Return Receipt Postcard

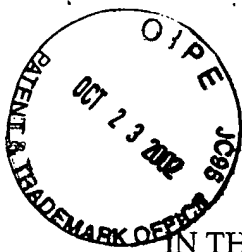
If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
**Fred G. Benkley, III, Applicant**

By: William R. McClellan  
William R. McClellan, Reg. No.: 29,409  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617)720-3500

Docket No. M01059.70000.US  
Date: October 17, 2002  
xnndx



ATTORNEY'S DOCKET NO: M1059/7000 WRM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fred G. Benkley, III  
Serial No: ~~10/055,643~~ 10/005,643  
Conf. No.: 8242  
Filed: December 5, 2001  
For: SWIPED APERTURE CAPACITIVE FINGERPRINT SENSING  
SYSTEMS AND METHODS

Examiner: unk.  
Art Unit: 2621

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 20 day of March, 2002.

William R. McClellan  
William R. McClellan, Reg. No. : 29,409

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COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is/are the following document(s):

- ☒ Copy of Notice to File Missing Parts
- ☒ Declaration for Patent Application
- ☒ Patent Assignment Recordation Form Cover Sheet (Form PTO-1595)
- ☒ Assignment to Validity, Inc.
- ☒ Petition for One Month Extension of Time
- ☒ Check in the amount of \$160.00
- ☒ Return Receipt Postcard

Applicant hereby claims small entity status.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check in the amount of \$160.00 to cover the surcharge, assignment recording fee and one

March 19, 2002

Page 2

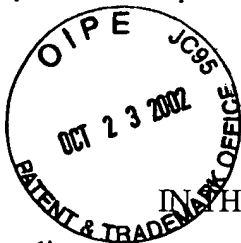
month extension of time is enclosed. If the fee is insufficient, the balance may be charged to Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully Submitted,

William R. McClellan

William R. McClellan, Reg. No. 29,409  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211

Docket No. M1059/7000 WRM  
March 20, 2002  
**03/02/2002**



Gen

MP/KX

DOCKET NO: M01059.70000.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fred G. Benkley, III  
Serial No: 10/005,643  
Confirmation No: 8242  
Filed: December 5, 2001  
For: SWIPED APERTURE CAPACITIVE FINGERPRINT  
SENSING SYSTEMS AND METHODS

Examiner: Not yet assigned  
Art Unit: 2621

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 17 day of October, 2002.

*William R. McClellan*  
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William R. McClellan, Reg. No. 29,409

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Commissioner for Patents  
Washington, D.C. 20231

**Letter Regarding Response to Notice to File Missing Parts**

Sir:

A Notice to File Missing Parts of Nonprovisional Application was mailed in the above application on January 2, 2002. On March 20, 2002, Applicant's attorney mailed a response, including a copy of the Notice to File Missing Parts, an executed Declaration for Patent Application, an assignment Recordation Cover Sheet, an Assignment to Validity, Inc., a Petition for One-Month Extension of Time, a check in the amount of \$160.00 and a return receipt postcard. Copies of the documents mailed on March 20, 2002, are enclosed.

To date Applicants have not received an updated Filing Receipt or a Notice of Publication. A Notice of Recordation of Assignment document was received on May 31, 2002.

In a recent review of the file, Applicant's attorney noted that the Transmittal letter, the Petition for One-Month Extension of Time and the postcard mailed on March 20, 2002 included an incorrect serial number. In particular, these documents bear serial No. 10/055,643 (incorrect) rather than 10/005,643 (correct). The error in the serial number was clearly an inadvertent clerical letter. The Transmittal letter and the Petition for One-Month Extension of Time both

identify the correct confirmation number. Furthermore, the Declaration and the Assignment both refer to the correct serial number.

It is believed that the above clerical error may have caused the papers mailed on March 20, 2002, to become associated with the incorrect PTO file, thus accounting for the failure to receive an updated Filing Receipt and a Notice of Publication.

Based upon the above statement of facts, Applicant respectfully requests that the enclosed copies of the documents filed March 20, 2002, including the executed Declaration, be entered into the application and that the application be forwarded to the appropriate art unit for examination.

If there are questions regarding this matter or if this application is deemed to have been abandoned, it is requested that Applicant's undersigned attorney be contacted by telephone.

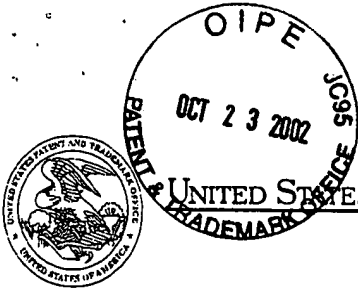
Any required fee may be charged to deposit account No. 23/2825. A duplicate of the sheet is enclosed.

Respectfully submitted,  
*Fred G. Benkley, III, Applicant*

By: William R. McClellan  
William R. McClellan, Reg. No. 29,409  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617) 720-3500

Docket No. M01059.70000.US  
Date: October 17, 2002  
**XnddX**

#3



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/005,643	12/05/2001		M1059/7000WRM

CONFIRMATION NO. 8242

## FORMALITIES LETTER



\*OC00000007248692\*

23628  
WOLF GREENFIELD & SACKS, PC  
FEDERAL RESERVE PLAZA  
600 ATLANTIC AVENUE  
BOSTON, MA 02210-2211

Date Mailed: 01/02/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



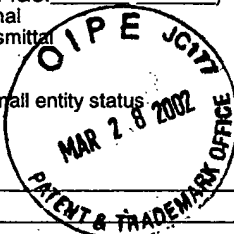
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# COPY AS FILED

Serial No. 10/055-693 File No. M 1059/2000 By: WLM  
Title: Swiped Aperture CAPACITIVE FingerPrint Sensing...  
Application of Fred G. BenKley, III WGS Date: 03-02-02

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

- |  |   |
|--|---|
| <input type="checkbox"/> Mailing by Express Mail (37 CFR 1.10)<br>Express Mail Label No. _____ | <input type="checkbox"/> Provisional Application Cover Sheet              |
| <input type="checkbox"/> Patent Application  | <input type="checkbox"/> Multiple Dependent Claim Fee Sheet               |
| <input type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional                  | <input type="checkbox"/> Inf. Discl. Statement, PTO Form 1449             |
| Incl. _____ pages, ( _____ pgs) Specification,   | <input type="checkbox"/> References Cited                                 |
| ( _____ pgs) Abstract, ( _____ pgs) Claims ( _____ # claims)                                   | <input checked="" type="checkbox"/> Priority Document(s) # _____          |
| <input checked="" type="checkbox"/> Design Patent Application                                  | <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts  |
| <input checked="" type="checkbox"/> Declaration(s) _____                                       | <input checked="" type="checkbox"/> Amendment/Response                    |
| Drawings _____ Sheet(s) (FIGS. _____)  | <input checked="" type="checkbox"/> Petition for Ext. of Time (x2)        |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal                              | <input checked="" type="checkbox"/> Issue Fee Transmittal                 |
| <input type="checkbox"/> Utility Patent Application Transmittal                                | <input checked="" type="checkbox"/> Letter to Official Draftsperson       |
| <input type="checkbox"/> Fee calculation sheet (x2)  | <input checked="" type="checkbox"/> Notice of Appeal                      |
| <input type="checkbox"/> CPA Transmittal   | <input checked="" type="checkbox"/> Brief (x3)                            |
| <input checked="" type="checkbox"/> Verified Statement claiming small entity status            | <input checked="" type="checkbox"/> Check for \$160 - Check # <u>9878</u> |
| <input checked="" type="checkbox"/> Assignment and Cover Sheet                                 | <input checked="" type="checkbox"/> Transmittal Letter (x2)               |
|  | <input checked="" type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)  |



☐ Other \_\_\_\_\_

DATE MAILED MARCH 20, 2002



2

Wolf, Greenfield & Sacks, P.C.  
PTFM Account

INVOICE NUMBER

INVOICE  
DATE

CLIENT

MATTER

AMOUNT

9878

M1059

7000

160.00

CHECK TOTALS

160.00

Wolf, Greenfield & Sacks, P.C.  
PTFM Account  
600 Atlantic Avenue  
Boston, MA 02210



CITIZENS BANK  
MASSACHUSETTS  
6-7017/2110

440009878

9878

DATE  
March 19, 2002

AMOUNT  
\$ 160.00

PAY  
TO THE  
ORDER  
OF  
One Hundred Sixty AND 00/100 DOLLARS  
Commissioner of Patents & Trademarks

M01059/70000

NON-NEGOTIABLE

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